Mr. M. Sivarama Menon *(Advocate-General):* I move that the Bill may be taken up for final reading to-morrow.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Motion put and carried

The House rose for lunch at 1-15 p.m. and re-assembled at 2-45 p.m. with M.R.Ry.K.Ayyappan Avl., Deputy President, in the Chair.

NON-OFFICIAL BILLS

The Cochin Vagrancy Bill

Mr. M. K. Devassy *(Adur):* Mr. President, Sir, I rise to move for the introduction of the Cochin Vagrancy Bill.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* I second it.

Mr. M. K. Devassy *(Adur):* I hope the House will excuse me if I take the House from the summit of the mountain to its foot, from the palace to the hut and from the talk of bankers and kuries to the talk of vagrants and the poor. It has been a subject-matter for discussion both as resolutions as well as questions before this House that some attempt should be made by the State to tackle the problem of vagrancy in Cochin. But the Government has been always trying to evade the issue with sufficient reasons so far as the Government is concerned *viz.*, that while beggary is a serious menace to the whole State and a rather disgraceful feature to a civilised State, it cannot be forgotten that there is the financial side of the whole question on which the true solution of the problem rests. It has often occurred to me, Sir, while walking along the public roads of Trichur and Ernakulam, and finding that by the side of the beautiful roads of Trichur the ailing beggar with his wounds exposed, crying aloud for a pie from 6 o'clock in the morning till 6 in the evening, that if a foreigner were to come and see this scene in Trichur, he would certainly be impressed with the appalling poverty in Cochin and the state of affairs to which a section of its population has been driven. It is very difficult to cure some types of problems. While it is very easy for a legislator to say that these problems require radical changes, I am prepared to concede that it is really a difficult matter for the State to tackle because it is either the result of a particular type of social organisation or the result of the historical economic evolution. But the fact remains that a section of people there are still in Cochin who require some help at least from the State. Therefore, my suggestion is that it may not be possible for the State to irradicate poverty altogether; it may not be possible for the State to create such a state of affairs that the rich and the poor are all alike, but it should be still possible for the State to give some

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help at least for these people so that the worst aspects of this question may be removed. This problem of beggary has engaged the attention very recently of the Trichur public and I may say that the Trichur Municipal Chairman, Mr. E. Ikkanda Warriar, has been taking a very keen interest in arriving at a solution so far as this problem is concerned. The fruit of this attempt has not been ripe yet; but I believe that with sufficient co-operation from the public and the Government it would be possible for him to see that its fruits are realised. What this Bill purports to do is to pass an enabling legislation so far as the beggars are concerned. In other words, where in a certain locality there are private agencies who are prepared to take up the work of ameliorating the condition of beggars, this legislation will go to their rescue and enable them to complete that work. Where in a particular locality the State finds it possible that there is sufficient efficient agency to work out the solution of the problem, then it will be possible for the State, by means of this legislation, to enable them to complete the task. This does not go to the extent of saying that as soon as this Bill is passed, either the whole of the State or part of it is declared an area which should be free from beggars. It would be an impossible solution. Nor does it go to the extent of saying that the Government should meet the expenses of running poor houses. It only goes to the extent of saying that where you get sufficient number of agencies who can efficiently look to the solution of the problem and where the Government thinks that it is necessary that there should be some legislation to prevent open beggary, then by means of this legislation the Government can complete it. I shall cite, Sir, one or two examples where it would be impossible even for a body of workers who take sincerely to the solution of this problem it would be impossible for them to do that work without the aid of legislation. Suppose, for example, in a town like Ernakulam or Trichur where you get a number of beggars wandering both in streets and public areas, suppose as a result of their endeavour they construct a building where these people could be given a boarding or if a man is dying by the side of the street, he may be taken to a building provided for by the poor relief fund, where is the law that will enable the workers there to carry that man from the public street to that house? Where is the law that will prevent the man from openly begging in the street and lying there to the menace as well as to the pity of the public even if there is a body prepared to take him and feed him there? There is no law to enable him to take or compel him to go. Therefore, my respectful submission to this House is that for the purpose of enabling those bodies who are prepared to undertake this work a piece of legislation that will assist them in the completion of their work is absolutely necessary.

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So far as the main sections of this Bill are concerned, it is enough if I divide them into one or two important categories. In the first place, this Bill defines the class of beggars, then goes on to say that these beggars should be compelled to remain in poor houses in whichever local area to which this Bill is made applicable and for the purpose of going to the poor houses they will be collected in a certain place which is defined in this Bill as receiving centre. From the receiving centres where the beggars are examined medically, they will be distributed to the several kinds of poor houses or hospitals as would be required and they will be looked after there, and whenever a beggar refuses to comply with the provisions of this Bill he will be criminally liable. These are the important provisions of this Bill and I hope that the House will consider this Bill as an absolutely non-controversial measure and will see that it is carried.

Mr. T. K. Nayar *(Palayannur):* I support the motion.

Mr. V. K. Bhaskara Menon *(Cranganur):* Before the other members speak on the Bill we are interested to know what the attitude of the Government is.

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I have no objection to explain the attitude of the Government, but I will not be replying to the debate. It will be the Advocate-General who will be replying to the various points raised by you.

I may at the outset preface my observations with a statement that Government do not underrate the motives or the designs behind this Bill nor are we unable to appreciate the really good motives which this Bill brought before this House. There is therefore no want of sympathy on our part. But I will place some aspects of the question before the House and endeavour to convince them that there are very great difficulties in the way of accepting this Bill and agreeing to place it on the Statute Book, because it involves mainly very large financial commitments.

In the first place, there is the fact which is known to all that there is no Vagrancy Act in any of the Indian Provinces or States. So far as we know the only Statute in British India on the subject is the European Vagrancy Act. The beggar problem has been recognised everywhere to be a difficult problem. The vagrancy problem is a problem that is very difficult of solution and especially in a country where as the hon'ble mover has pointed out there are traditional conceptions, conceptions which are very largely respected, the problem before any Government becomes all the more difficult. Beggars are considered to form a part of society, and to help beggars is considered to be a very good thing done in this part of the country. Even from the translation of the word "beggar" *i.e., dharmakaran* used

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here, it is evident that any help given to the beggar is considered to be charity and according to the sentiments of the people here, it is considered to be a great act of charity to help the beggars. That is a sort of traditional sentiment which we have. The Bill aims at driving all these people away from the streets. Therefore it is a Bill which any Government should embark upon with very, very anxious considerations, both on considerations of practical expediency as well as on considerations of financial commitments involved. I am not attaching much importance on this aspect.

Now, let me concentrate my remarks upon some of the provisions of the Bill, *i.e.*, the question of giving practical effect to many of its provisions. Look at the definition of the word vagrant. The clauses run from (a) to (j). Any person wandering abroad to hawk goods without a pedlar's license is a vagrant. Again any person gaming, in an open and public place at some game of chance with cards, coins and other instruments is a vagrant. Then again any person telling fortunes or using any subtle craft by palmistry or otherwise, is a vagrant. Therefore a professional man who looks into your hands and tells fortunes is a vagrant. Under this definition will come the *kuravas* and *kurathies* who very often come to our houses. The other definition that any person gaming in a public place is, I think, imported from the European Act. The scope of the definition is too large and takes in very many kinds of people. The definition in the European Vagrancy Act may be suited to the conditions obtaining there; but it is hardly suited to the conditions of society obtaining here.

Mr. M. K. Devassy *(Adur):* I have no objection in limiting the scope of the definition. That can be done in the Select Committee.

Mr. K. Achyuta Menon *(Secretary to Government):* I am only illustrating the practical difficulties. We will have to cut down the definition and confine it to poor people alone who have ostensibly no means of support.

The question is whether the purpose of driving all these people to those distributing centres and receiving centres is just. Then again there are penalties provided to book any offenders and to produce them before the Magistrates. If they move in streets without a license there is a liability to be called upon by the police officers to report. There is also the likelihood of detention in police stations for an indeterminate period before they are produced before the Magistrate. All these are steps which we should seriously consider should be taken at this stage of our social evolution.

I feel, Sir, that this is largely a matter for public institutions and charitable bodies and local bodies to make a start with. The

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initiative must first come from them and then it will be not improper on their part to call upon the Government for some financial assistance. There is a provision which invests Government with powers to divert a portion of the funds of these bodies. It is clear that in the distributing centres buildings are set apart for this purpose. But no institution can run without funds. Government must find funds for running the institution by giving effect to the various provisions of the law. The question is whether we should take powers ourselves even to divert the funds of local bodies or leave it to them to make use of their funds for this purpose themselves and if necessary to ask us for a supplementary aid. Then there is a power given to us to levy taxation. The question is whether the time is come when we should take all these powers. We should first see whether a case has been made out to start these receiving stations, by any private initiative. We feel that this is hardly the time when we should embark upon this scheme with Government funds especially when the pressure upon our finances is too heavy and also when there is a likelihood of a fall in our revenues. As pointed out 70 years ago by a member in the Indian Assembly, "Governmental money goes out in oceans and comes back in drops" *(Laughter)*. And at this stage when governmental finances are also hard hit, we feel that these new commitments will be beyond the capacity of our finances. Accepting this Bill means the creation of a costly machinery. The Bill also aims at the creation of a high recurring expenditure. Probably it gives powers to Government to tax for this purpose and also to divert the funds of the local bodies. It is only in that aspect that the Government would like to oppose this Bill. I may close up my remarks by saying that when private agencies take up this matter in right earnest and if they approach the Government, then it will be a proper case for the Government to render some supplementary aid.

Mr. V. J. Mathai *(Planters):* Sir, I am in general agreement with the Bill. In expressing my agreement I have never made light of the very weighty reasons advanced by the Hon'ble Secretary to Government. My effort here would be just to consider the several points raised.

Firstly, the question of practicability arising out of the fact that such legislation is not obtainable in other States and Provinces in India and therefore it will be rather difficult to enforce it. Secondly, the question of traditional sentiment. Thirdly, the cost involved in it.

As regards the first question,—practicability—I find, Sir, from a perusal of the Bill that we are only undertaking a responsibility which we may fulfil if possible, just that is to say, we are assuming

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certain powers which we are not bound to exercise, assuming certain responsibilities which we are not bound to discharge, for example, the powers under Chapter III, I say, if they are found to be difficult to work, you need not undertake them. To cite one or two provisions: "any police officer *may* within the limits of the local area to which this Act is applicable require any persons"; "Government *may* declare certain areas to be affected by this Bill".—It will be clear that there is no compulsion. Therefore, to say that it is taking too much of a responsibility is not so much an argument, according to me, against this Bill. If it is absolutely difficult we need not declare any particular area as affected by it. A police officer need not go or produce a vagrant before a Magistrate, if it is found impracticable.

Then there were other arguments advanced against this Bill—arguments regarding traditional sentiments. I say those are arguments that you should get over somehow or other considering the great urgency of the question. These same arguments could be raised against the abolition of *Sathi*. Did you not abolish that custom for the common cause of mankind? We have now put restraint on child marriage. When we have done these, to say that traditional sentiments stand in the way is an argument that does not hold water. The times have changed; the number of beggars have increased; people who are suffering from all sorts of contagious diseases are getting in and out of hotels leaving contagion there, entering our houses and squatting on our *verandahs* leaving the contagion there. To say that traditional sentiments stand in the way of passing an enabling legislation of this kind, cannot be accepted.

As regards the cost, if it is too costly you need not take up such burdens. If the number of beggars who will be affected by this legislation in the whole of Cochin State come to a lakh, don't attempt to enforce this legislation all over the State. If you can practically do it in Trichur, then do it in Trichur; if you can put it into force in Ernakulam, then do it in Ernakulam; if you cannot do it in Mattancheri, then don't do it there. If you cannot do it in any other area in Cochin, don't declare that area to be affected by this legislation. If you can do it in one place then do it there. If there are guardians or institutions coming forward in any village prepared to take up the responsibility to see that there is no more vagrancy there, then go to their rescue and supplement their efforts. To say that want of funds stands in the way of this Bill does not appeal to me.

Then the Secretary was pointing out certain defects in the Bill. I do not think that it is a very serious point. Even Bills sponsored by experts in law like the Hon'ble Advocate-General, are being

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changed beyond recognition. Therefore, I do not think that that argument is a very serious point against this Bill. When the Bill goes to the Select Committee necessary changes can be made. The Secretary pointed out that the various kinds of persons mentioned in the definition will have to be sent to the receiving centre, if the Bill is adopted. I completely sympathise with the Hon'ble Secretary's argument. At the same time I also sympathise with the hon'ble mover's argument that that should not be cited as an an obstruction in the path of a progressive measure.

Now, leaving these 4 arguments against the Bill, I will briefly take to the notice of the hon'ble members one or two phases of this question. Vagrancy and beggary are on the increase everyday in the Cochin State. I do not know whether this is a phenomenon unique in Cochin State. Take any Saturday. I dare say that thousands are begging all over the State. They are an obstruction to traffic. I had occasion to see a number of beggars who crowded before a house where a marriage was being celebrated, not even allowing the guests or even the marriage party itself to get in or out. I am only quoting one instance. It is common knowledge that many of these beggars who flock to our houses are suffering from all sorts of contagious diseases. I dare say even a layman like me can pick out hundreds of cases suffering from all sorts of diseases. Those persons come into our houses and even sit on our *verandahs,* and either they are driven out or get something and go, leaving back infection there. Our children who run about are easily liable to get infection from them. It is a serious question that requires handling. The fact that oceans of money are going out and drops alone are coming in does not matter or I should say make narrow the limits of that ocean which you can easily do. I would point out to you how you can pay a few thousands of rupees on this behalf. Instead of 4 pies that we levy by way of income-tax make it 6 pies in the rupee. In England for every pound, they are paying 15 shillings and more by way of income-tax. I ask why not you collect 6 annas in the rupee above Rs. 2,000? In that way you can find funds for the purpose. Therefore, I think financial stringency should not stand in the way of tackling such a serious problem as this. This problem requires undivided attention. I am glad to find that this problem is now engaging the attention of the Trichur Municipality headed by Mr. Ikkanda Warriar whose efforts deserve unstinted praise. I am told that in Kottayam a lot has been done in this direction voluntarily. Here what is required is some aid from Government for such voluntary effort. As Mr. Devassy put it, there may be persons who may organise relief of beggars. Just assume powers and lend them all facilities. This is all what is wanted. Therefore, I suggest that

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this House should not oppose this motion which tries in a humble manner to tackle such a serious problem which should not be left alone whatever be the arguments advanced. I am in agreement with this Bill.

*Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I oppose this Bill. I feel it is my duty to oppose this Bill as an orthodox Hindu. I oppose this Bill on the fundamental conception of Hinduism. According to the Hindu religion a *bhikshu* is regarded as having attained the highest pinacle of human perfection. Now the same view has been upheld by later religions, both Christianity as well as Muhammadanism. Among Christians the Franciscan who used to go about begging with his bowl during the whole life time is considered to be the purest Christian among the community. Similarly a *fakir* of Muhammadans is regarded as such with as much veneration and respect. This is a question where all the 3 great religions in the world have accepted the system as being the best. I can appreciate the motive of the mover when he expressed the view that the object of the Bill is to prevent diseased beggars from exhibiting their deformities in public roads thereby creating a feeling, a nausea. Therefore the Bill ought to have been a Bill to prevent such cases and not one to strike at the root of the ancient system.

Another aspect why I voluntarily oppose this Bill is this. Clause 2 is one of the most fundamental sections of this Bill. It says: "Nothing contained in this Act shall apply to European vagrants." Now, in the case of local vagrants, whatever they earn will be in the country itself. But in the case of European vagrants the whole thing goes out *(Laughter)*. So that in the case of a Bill which is fundamentally defective, I think, it is the duty ofthe House to throw it out for that one reason.

Then, as the sub-leader of the House has been saying....

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Who is that?

Mr. V. K. Bhaskara Menon *(Cranganur):* I mean the Hon'ble Secretary to Government *(Laughter)*. As he remarked, any person telling fortunes or using any other crafts has been brought within the term "vagrant." Fortune-telling, I think, is a very laudable occupation. Supposing a person telling fortunes comes and tells something very favourable to the person who hears him. For the moment at least that person gets some pleasure. You are depriving a human being by this Bill of all possible pleasures even in imagination *(Laughter)*. I think no State should

* Speech not corrected by the hon'ble member.

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be a party to passing a legislation which makes the subjects fundamentally and radically unhappy.

As regards the arguments advanced by my friend Mr. Mathai that it is only an enabling legislation and that as such there is no harm in adopting it, I have to say this much. If the Government starts enabling everything, the statute will remain there without being enforced. There is absolutely no meaning in passing a particular piece of legislation as an enabling legislation and then put on a series of these things on the Statute Book thereby making it impossible for people to know what exactly is the state of law.

There is one more aspect to deal with *i.e.* with regard to clauses. If the Bill is referred to a Select Committee it was said that the clauses can be re-drafted. But I am placing weighty and unanswerable arguments. Under the Bill a vagrant is defined as " any person wandering abroad without visible means of subsistence and lodging....". That is really a most spectacular clause. For the matter of that no means of occupation can be visible. Supposing I walk from here to Trichur; this one thing will enable a police officer to catch me and send me to a receiving station. I think the experience of both officials as well as non-officials will be that there is a pleasure in that sort of beggars. So that it is a matter in which there are insurmountable obstacles. I was particularly fortunate that I was not present when leave for introduction was granted to this Bill *(Laughter)*. There is no meaning in allowing such a sort of legislation that wastes much time of the House. Then again, I am surprised that the opposition of the Hon'ble Secretary to Government has gone dead *(Laughter)*. When a fundamentally unsound legislation is brought.....

Mr. K. Achyuta Menon *(Secretary to Government):* He is only introducing vagrancy into the House *(Laughter)*.

Mr. V. K. Bhaskara Menon *(Cranganur):* Now that the great authority upon vagrancy has really given his valuable opinion I am not prepared to call in any of his arguments. I concede he knows much more than I do.

Mr. K. Achyuta Menon *(Secretary to Government):* Why are you so modest?

Mr. V. K. Bhaskara Menon *(Cranganur):* Because you are much older than me. I am often like that. What to do? You cannot change me at this fag end of my life *(Laughter)*.

Mr. K. Achyuta Menon *(Secretary to Government):* I am only a sub-leader.

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Mr. V. K. Bhaskara Menon *(Cranganur):* But the leading article is there. I suggest no more time may be taken up for discussion of this Bill. The whole thing should be thrown out.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Sir, I wish to support this motion. I am not really surprised that this Bill is opposed by the Government and the light-hearted way in which it was approached by the hon'ble member for Cranganur. I take it that it is not because that they lack sympathy towards these unfortunate beggars but it is the enormity of the problem that made them take up that attitude. The difficulty of the problem that confronts us is this. Everybody will admit that this is a dire disease. And anybody who tries to diagnose it finds its solution so difficult that he leaves it there. It is like the case of some surgeons opening up a wound to find out where the disease is and finding it difficult of cure, closing it up and leaving the patient to his fate. This is what is being done not only here but everywhere. That is the principal reason why there is very little of legislation on this matter in other countries. But I would respectfuly submit for the consideration of this House that this is such a serious problem that somebody should start it. I would request this House to start it. After all, we know the real cause is economic. I do not want to dilate upon that subject. The main reasons for begging everybody in this House knows. The only difficulty is how to tackle the problem. The immediate question before the House is whether there should be a legislation to tackle this question. The hon'ble member for Government was saying that considering the existing state of affairs of social evolution in which we find ourselves, it is not desirable to have this kind of legislation. I do not really understand the position taken up by him when he said that. I do not know what he meant by that. As one who tried to tackle this question, who thought over this question seriously for some time, I do not find it at all difficult to say whether the legislation should come first or whether the ameliorative work should be started first. It is very difficult to decide and under the circumstances I submit to this House that it is essential that both should start simultaneously. I shall elucidate my position. In Trichur, we are making an attempt to solve the beggar problem. We took a census of the beggars there. We found there were 802 beggars who went about begging from house to house. Out of the 802 beggars 349 were found not to belong to Trichur at all. What shall we do with them? That is a problem. What shall we do with these foreign beggars? Can Trichur start an institution of treating these beggars, providing work for them and providing home for them? Can Trichur afford to do it? Is it possible for Trichur to do it? It cannot. Then how to send them out? Does the present law enable

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us to send them out? No. It may be Trichur to-day, it may be Ernakulam to-morrow.

Mr. A. L. Antony *(Irinjalakkuda):* What about Kottayam?

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* They are introducing a legislation there. They have started this work with the active support of the executive, the police and the public. They were in a way able to remove the foreign beggars for the time being. Yet there may be others who might be going to Kottayam again and they are thinking of some legislation. Here is a practical proposition for the Government as well as for the members of this House to consider. I say there are 349 beggars in Trichur who do not belong to that place. Do you expect Trichur to feed them? Even if Trichur can undertake to feed these 349, is there a guarantee that any more will not come? It will be only inviting others from other places to come and stay there and add to the difficulty, if we were to start a home for all. So what can we do without legislation? Then again, Sir, out of these 802 beggars 21 are lepers. What shall we do with these lepers? How can we remove them? They are only the visible lepers, lepers who could be recognised by the nacked eye. There may be more if they are medically examined. What shall we do with them? How can we deal with them or take them to a place and keep them there? Does the present law allow us to do it? No; that is yet another practical difficulty which we find. In the same way there are other questions that confront us. Out of these 802 more than 201 are able bodied; that is to say, more than 25 per cent of the beggars are able bodied ones. What shall we do with them? We can't afford to feed them. Then again, out of this 241, 103 are foreigners. These 103 able bodied people come to Trichur from outside for begging. How can Trichur hope to maintain an establishment if they undertake to maintain these able-bodied people? Without legislation what can we do? A word about the problem of finance before I close. One of the arguments advanced by the Hon'ble Secretary to the Government was that it involves very heavy financial commitments. How can the Government in these days of financial stringency undertake such a big scheme like that? I do not want at this stage at any rate that the Government should spend any large amount on this problem. It may not be necessary at the earlier stages at all. My friend the hon'ble member for Planters pointed out that this is only an enabling piece of legislation. I do not want to repeat the reasons.

Our aim in Trichur is to pool the charity given indiscriminately by the public and to organise it in such a way that it would be possible to give it to the really deserving poor. Then the question

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arose how to do it. In order to pool the charity that is now given by a large number of the public, we went round and tried to collect promises from them first. One of the questions put to them by us was this. Suppose we undertake to relieve you from the trouble of these beggars by undertaking to maintain them, what will you voluntarily give? Out came the question, what guarantee is there that the beggars won't come to us? We will willingly co-operate with you. We will give you even more than what we spend now, but what we want is that the beggars should not come to us any more.

Mr. V. J. Mathai *(Planters):* On a point of information, I am told that these licensed beggars think that they have a right to get arms from the people since you have given them a license to beg.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Some think so although license was given only to get the correct census. We propose to issue fresh licenses next and that only to the deserving people. We will cancel the existing licenses. That will be our next step.

Mr. A. Eachara Menon *(Chittur-Rural):* What will you do with the lepers?

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* That is a question to be considered. I do not want to digress. I was speaking about finance. I am hopeful that with public contributions at least in towns like Trichur we would be able to maintain the beggars. I have absolutely no doubt about it in Trichur. From the statistics so far collected by students—these promises were made without any compulsion—I am very hopeful that Trichur will be able to raise sufficient funds from the public.

Dr. A. R. Menon *(Minister for Rural Development):* What is your rough calculation of the expenditure?

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* We have 802 beggars in all. Of these roughly 300 are from outside, leaving 500 beggars to be looked after. Calculating about Rs. 3 per head, we may require Rs. 1,500 per month. I don't think it is very difficult to get Rs. 1,500 from Trichur. More money is spent as a matter of fact now in the form of charity. I have got statistics to show the number of houses from which promises have been obtained. From what I have been able to gather so far, I am confident to state before this House that I will get enough to maintain the deserving beggars in Trichur. I am told that the lepers are maintained in the Leper Hospital at Rs. 7. We don't want so much money. We will make arrangements for all of them.

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Mr. A. Eachara Menon *(Chittur-Rural):* For the lepers also?

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* We have to. I hope the Government will take charge of them. Many of them belong to places outside Trichur and even outside the State. If the Government fail to provide for them, we have to look after them ourselves. How to do it is not the problem. The question is whether you have to do it, and if you realise that it is your duty to do it, there will be no difficulty. I say it is not, after all, impossible. People were telling me before that there are 10,000 beggars in Trichur. According to some others, it was 5,000. But now we see that there are not more than 800 of which 349 come from outside. It is not therfore a huge problem as some were led to think before. I say without the help of legislation it is not possible to tackle the problem. It is not possible to forecast what should be the exact nature of the legislation. But some such legislation on the lines contemplated under the present Bill will be absolutely necessary to proceed with the work in a satisfactory manner. And if Trichur is able to do it, I am sure Ernakulam and Mattancheri will follow suit. Then I am sure the town councils will take it up. Then it will be the turn of the villages to organise themselves. People have begun to realise, and I am sure they will realise ere long if they have not done so till now, that it is their duty to look after these hapless, these workless, these destitute people. If that realisation comes, and it is sure to come, the question of money will be a very small question according to me. This reminds me of the question, referred to by the hon'ble member for Planters in the course of his speech, the question of these beggars being carriers of disease. I shall give an example from my own experience. In Trichur, during the last two months the largest number of smallpox cases admitted into the hospital were from the beggars. They were picked up from the roads, from the front of shops, even in advanced conditions. Till they were so picked up, these people were going from house to house spreading the disease. Most of these smallpox patients are also suffering from very high infectious diseases. I won't name them here. It is difficult to exaggerate the menace to the public health of a place from these vagrants. I say it is a huge problem. It is a difficult problem. It is a novel problem. I say it is the duty of the Government and of the public to take it up. I may assure you that we will succeed if we approach it sincerely and in a prayerful spirit. The true cause may be economic, but we can get over that also. Therefore, I would request the Government to reconsider their position. No practical, tangible work can be done without legislation. I admit we have to modify many of the clauses

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in the Bill. We want some sort of legislation to enable us to start the work. The present Bill need not frighten the Government. It is only an enabling measure. I therefore request the Government to reconsider the position and not to oppose the Bill at this stage. Some changes may be necessary, but that can be done in the select committee stage. I am sure that I have said enough to make the Government realise that both legislation and social work should go hand in hand. I say this from my experience of practical work done by me in Trichur.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, this Bill has got a very laudable object in view, and whenever one rises to speak against a Bill which has for its object the amelioration of the condition of the poor, the plight of the opposer is miserable. Sympathy is one thing, but to carry out the object in view is a totally different thing. This Bill is practically intended to be a poor law for Cochin. We are thereby trying to tackle the problem at the wrong end, and increase beggary and not try to stop it by stamping out the root cause and eliminate it once for all. By that I do not mean to say that no attempt should be made to eradicate the evil of beggary or poverty. As has been very pertinently observed by a learned author: "Two things are quite obvious in dealing with this problem. The first is that penal detention should not be resorted to where the only crime is poverty; the second, that where the social conduct of an individual calls for penal treatment he should not be allowed to contaminate others in the casual ward. Like all social problems vagrancy cannot be isolated from other important questions such as housing, poor law reform and unemployment. It is a symptom of a deeply rooted social evil which must be remedied by dealing with the other problems which lie at the root of the trouble."

Mr. V. J. Mathai *(Planters):* Who is the author?

Mr. K. Achyuta Menon *(Secretary to Government):* *Encyclopaedia Britannica,* 14th edition.

Mr. M. Sivarama Menon *(Advocate-General):* It has been already brought to the notice of the House that there is no similar legislation in British India except the European Vagrancy Act. Cochin State is so situated that there is Travancore territory intervening and we are also surrounded by British territory. Unless and until there is some sort of reciprocity between the States, a comprehensive solution, even a tentative measure, cannot succeed. As was pointed out by my hon'ble friend, Mr. Ikkanda Warriar, in Trichur, we find 342 beggars who do not belong to Trichur. Suppose this State begins to undertake a sort of poor relief. Then several

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poor persons from the neighbouring foreign villages will try to take refuge here. Though this Bill aims at our State being able to provide for the beggars within our borders, it will not be fair to drive out those who are not of our State unless there are other Governments who are willing to receive their subjects driven out from here. Therefore, if, as a matter of fact, we are not in a position to prevent the influx of beggars from neighbouring territories, any attempt that we may make in this direction will be absolutely futile and can never succeed. It will only lead to a waste of money. As a matter of fact, with regard to lepers, the Lepers Act which is in force in the State enables any pauper leper to be forwarded to the Leper Asylum on the certificate of a police officer and if the person contends that he is not a leper, the Magistrate can send him for examination to the Chief Medical Officer. Section 6 says: "Within any local area which has been specified under section 3, any police officer not below the rank of an Inspector or any other person specially empowered by the Diwan by order in writing in this behalf may arrest without a warrant any person who appears to him to be a pauper leper." Even with such powers and even after spending so much money, the State has not been able to provide sufficient accommodation for all the lepers in the State. According to a recent census of lepers in the State, their number is 3,000 and odd. If for looking after one leper the cost comes to about Rs. 7 you can more or less calculate the financial commitment that is involved in trying to maintain and treat these 3,000 and odd beggars. Serious objection was taken by Mr. Warriar that of the beggars in Trichur a large number are lepers and that the Government should have provided for them in the Leper Hospital.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Sir, with the permission of the Chair, I may make my position clear. I am not asking the Government to make provision for all these beggars. I am only pointing out that there is no legislation existing now by which the Trichur Municipality or the Trichur public, if they so desire, can compel these beggars to go to a particular house. Suppose the Municipality provides a place. Where is the provision to take them there?

Mr. M. Sivarama Menon *(Advocate-General):* You can ask the Government to declare it as a leper asylum. There is absolutely no difficulty with regard to that. The only thing is there must be funds to carry out the purposes of the proposed enactment. In trying to solve the problem of pauper lepers it has not been possible for the Government to eradicate the evil. What is that due to? It is solely due to the fact that large funds are necessary for this purpose. In other countries you will find as a matter of fact

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that in cases of this nature public philanthropy comes to the fore-front. Government are only to lend a helping hand. If you ask Government now to spend large sums of money to solve the beggar problem, then it will be asking the Government not to carry out some of their other essential obligations with the limited funds at their disposal. When private philanthropy is forthcoming, it may be supplemented by such Government help as it is possible for the Government to give.

Mr. C. R. Iyyunni *(Trichur-South):* Suppose I am starting a philanthropic home where I would like these beggars to be housed and the able-bodied beggars to be given work. Have I got the right to compel the people to go there?

Mr. M. Sivarama Menon *(Advocate-General):* I never said that with regard to the ordinary beggars. With regard to lepers, there is already a provision by which the Government can declare a particular place to be an asylum for the purposes of that Act and compel the lepers to go there. You must convince the Government that there are bodies here who are prepared to take up that function with necessary funds at their disposal to enable them to make at least a beginning. Then, for want of a law, there will be no difficulty. It is not a matter which can be solved within the course of a day or two. In spite of all these years that have rolled by in waste, there is no institution or society in the State prepared to take up this function in earnest and on a reasonable scale and approach the Government seriously with a request for necessary legislation. There is no necessity to simply adorn the statute book with such a piece of legislation and honour it as a dead piece of law. You are telling the Government that they need not enforce it and that the section only says "may" and therefore it is purely discretionary to act or not to act. That is the tenor of the argument. But I ask what is the use of having a law without Government being able to put it into actual operation ? It was argued that there is no real obligation on the Government to spend a single pie. I shall invite your attention to clause 4 which says: "The Government may provide receiving centres with their necessary furniture and establishment, at such places as they may think proper for the reception and detention of vagrants, or may, by notification in the Gazette, certify any building or part of a building or quarters as a receiving centre, and thereupon such building or part of a building or quarters, shall, until the Government otherwise order, be deemed to be a receiving centre for vagrants under the Act." What is the implication contained in this section? You may say that the words used are only "Government *may*." But if this Bill is passed into law, is

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there not a responsibility cast upon the Government to see that the intention of the provision is carried out ?

Mr. M. K. Devassy *(Adur):* You may certify any existing building.

Mr. M. Sivarama Menon *(Advocate-General):* For want of a certificate to that effect you won't suffer, if there is anybody prepared to offer a building. Government may provide receiving centres with their necessary furniture and establishment. The Hon'ble Minister was telling me that in foreign countries poor houses of this nature are provided with doctors who are paid £ 500 per annum with 700 or 800 inmates. It is not a trifling thing. I was surprised to hear Mr. Warriar making light of the whole affair and saying that Trichur will be able to solve the problem in no time.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* I have not said that. We are only making an attempt in that direction.

Mr. M. Sivarama Menon *(Advocate-General):* I say it is not possible to touch a fringe of the problem unless the rich come out with their full measure of generosity in deeds and not in words. Government will not fail to supplement private action in a comprehensive scheme of relief. The House should not be under the impression that this Bill casts no responsibility on the Government as the word used is "may". Clause 5 says: "The Government may provide institutions for the accommodation and treatment of vagrants, such as hospitals for incurables and curables, alm houses, individual homes, industrial schools, or other similar institutions; or may, by notification in the Government Gazette, certify any existing building to be an institution for the accommodation and treatment of vagrants under the Act." Therefore, under clause 4, buildings have to be brought into existence, furniture must be supplied and an establishment has to be maintained. Under the next clause, they must provide hospitals for curables as well as incurables. It is an ideal state of things which is contemplated under the Bill—a state of society where there is no unemployment among the poor people, and where there are no sick persons among the poor people who are left uncared for. That is the heaven on earth contemplated in the Bill and Government are to undertake all the responsibility. If it were a case where philanthropic institutions or bodies in the State have been really suffering for want of a legislation, or where in spite of their extreme willingness to spend large sums of money to look after these poor people they have not been able to do that simply because there is no legislation compelling the beggars to take refuge in such philanthropic institutions, I can very well understand the purpose of this Bill. But no such case has been brought to the notice of the

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Government or this House. You are simply asking the House to adorn the statute book with this legislation. The attitude of the Government must be serious in all these matters. If this Bill is passed into law action must be taken in accordance with the provisions of the Bill. If Government think that it is not possible for the Government to accept the entire responsibility cast upon them by this Bill, Government must openly and frankly confess to this House that in spite of the great sympathy felt by them in the cause of the poor, this Bill is unacceptable as it stands, unless and until the funds required for this purpose—at least a major portion of it—are volunteered by public contributions. How many instances do we find in Cochin where poor relief is given as a result of public charity, I humbly ask? How many beggars are being taken care of by any prominent and rich citizen of the State? Do you mean to say that all the beggars in the State, however well and truly cared for, are unwilling to accept the generosity of the rich persons ? This is not a case where for want of sympathy Government are opposing the Bill. If the tenor of the speech of an hon'ble member of this House to the effect that the Bill ought to be opposed by the Government even at the stage of the first reading is to be taken into account, I should take it that either it is because he feels that the poor beggar needs no relief at all or that the Government cannot solve the problem by spending its entire revenue and more. Can there be any human being who will not have sympathy with the suffering of mankind except probably those who do not suffer in like train with them? With regard to the second position, Government are opposing this measure not because Government have no sympathy, not because they have not realised the evil consequences of the beggars roaming about the streets, but because, from the very nature of things, it is not possible to solve the problem unless and until the initiative is taken by the public and adequate funds are collected.

Mr. V. K. Bhaskara Menon *(Cranganur):* You are supposing many things and replying to them. I was just putting forward certain arguments in addition to the arguments advanced by the Hon'ble Secretary to Government.

Mr. M. Sivarama Menon *(Advocate-General):* I only noticed them with deference. Now let us consider the case of the Municipal towns. We find a number of lepers roaming about the streets. After a series of correspondence, the Municipalities have now agreed to contribute Rs. 10 per head for every pauper leper belonging to each Municipality and Rs. 6 per head for burnt-outs who are housed in the Leper Hospital. The first thing to be tackled is the pauper-leper problem. Even for that limited relief it has not been possible for the State to organise adequately with so

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many rich citizens and philanthropic institutions. Government are now spending something like Rs. 45,000 for these lepers, whose total number comes to only about 3,000. If we now look from that to the vast arena of the huge number of beggars that will have to be provided for, we must consider the extent of the commitment involved in such a project. Therefore, it is simply on account of sheer inability to find the funds that the Government have to oppose the Bill. A solution of the problem requires a very comprehensive scheme involving huge capital expenditure in buildings and other things. A large recurring expenditure has also to be anticipated in connection with schemes of this nature. Therefore this Bill, even though its object is very laudable, is not practical in its scope in the present circumstances and as long as there is no foundation for the belief that want of such a measure will put charitably incided persons or societies to considerable difficulty in doling out their gifts to the poor.

Under the Nuisance Act, sub-section (8), the police are authorised to arrest any one who causes annoyance by begging or applies for alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms, and such beggars shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days. As a matter of fact, this is rarely enforced. Why is it? It is because of the human element in man. Unless a beggar proves to be a positive nuisance, one may not be inclined to take action.

Mr. C. R. Iyyunni *(Trichur-South):* May I ask a question? Suppose the Municipality or some public body is able to provide for persons who commit this nuisance, is there any provision now which enables them to receive such persons?

Mr. M. Sivarama Menon *(Advocate-General):* Let the demand for the compelling law emanate after the provision is made. For want of a law, you will not suffer. If the Trichur Municipality informs Government that they are prepared to open receiving centres for which funds have been allotted and that they are not able to bring the scheme into operation on account of the absence of proper legislation, see whether the Government would not act at once. There is no use of a gesture by legislation alone. You must educate the public and create a larger feeling in the public mind towards the amelioration of the poor so that sufficient funds may be forthcoming voluntarily and without compulsion from those who are able to extend succour to the needy.

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Mr. A. V. Moothedan *(Chalakkudi):* Our people are very charitably minded. Charity is not organised, that is all.

Mr. M. Sivarama Menon *(Advocate-General):* This Bill will not enable you to organise charity. Under clause 17 (2), "If the Magistrate makes the declaration mentioned in sub-clause (1) and if he has reason to believe that a declaration of vagrancy has not on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a receiving centre for vagrants and shall draw up an order to that effect." The moment the Magistrate passess the order he should be taken to the receiving centre. Unless one is opened by Government, where will he be taken? It should not be thought that Government are averse to opening such centres. Government will be only too glad to accept responsibility, provided there is sufficient non-official philanthropy to support Government and provided Government are satisfied that there is a genuine feeling among the people to help these poor people by donations or other contributions. During the time I was the Chairman of the Ernakulam Municipality the poor house was opened here and I found it really very difficult to get the beggars in there. It was not for want of law. Beggars would like to go and beg outside because they will have to feed not only themselves but their families also. Suppose they get four annas by begging, they will be able to feed themselves and at the same time give something to their dependents. But in the poor house they alone get food. Therefore, they are unwilling to go to the poor house. That poor house is still there. It was opened with the active co-operation of the Government. As far as I know, the impression created by the working of that poor house in the minds of the Government is that unless and until there is co-operation between non-officials and the Government it is not at all possible to run the poor house successfully. Admission is limited to 40 in the poor house, and if the 41st man comes, there will be no space. One of the conditions regarding the working of the poor house is that one-third of the expenses must come from private charity, one-third from the Municipality and the other one-third will be given by Government. In spite of several appeals and the distribution of 5,000 or 6,000 printed leaflets among the public, my experience has been that I received not a single pie by way of subscriptions or donations. There were occasions when we had to conduct cinema shows and variety entertainments to collect money. The results were meagre. So that my point is that the time is not yet ripe when the conscience of the community at large has awakened to such an extent that an activity on these lines can be expected to receive the adequate support that it deserves. When the consciousness comes Government will not

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fail. Government are very anxious in this matter and that is the very reason why large allotments are being granted for the Leper Hospital. If in this matter the Hon'ble House thinks that a law of this kind should simply remain on the statute book, the position will be this. If after four or five years a question is aked of the Government as to what they have done with regard to the Vagrancy Act, Government will have to say that we have not done anything. Government are not willing to accept such an irresponssible position.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* What have you done with regard to the Prevention of Juvenile Smoking Act?

Mr. M. Sivarama Menon *(Advocate-General):* That is something entirely different. This is more severe than that. How is it that no Native State or even British India has not been able to solve this problem.? It is such a big problem. Several great statesmen have considered this problem and yet a workable solution has not been arrived at. A Bill must be useful. It must be practical. It must be capable of being applied. None of these conditions are seen fulfilled in respect of this Bill. Government have been inviting subscriptions for the conduct of hospitals. When you demand a dispensary there or an Ayurvedic hospital here, the answer of the Government at times is that they cannot accept the demand for want of funds. This Bill wants that every curable and incurable beggar should be habited in a big hospital with adequate staff over and above the hospitals that already exist in the State. Medical relief in this State is phenomenally good. If we consider the expenditure *per capita*, it will amount to a colossal figure and unless and until a practical scheme is evolved with proper foundations and proper financial backing, such a scheme cannot be worked. Then it may be asked why not start as an experiment one home at least? The Trichur Municipality has authorised its Chairman to work out a scheme. Let us see whether that scheme would fructify. It is not a question to be lightly considered. There cannot be a more serious question. This Bill is not going to solve the problem.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* It will help to solve the problem.

Mr. M. Sivarama Menon *(Advocate-General):* It will never help unless and until the funds necessary are first assured. If you find out funds and then if the Government are not going to discharge their duty, then it is time for you to say that this is not the proper attitude for the Government to adopt. At this stage Government think that it is not possible to work out the provisions of the Bill in a proper manner and therefore, Government are constrained to oppose the motion.

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Mr. A. B. Salem *(Mattancheri):* Sir, I did not think of intervening in this discusssion because I thought that whatever we may say from this side of the House we could not lead our irresponsible Government to tackle this problem of the welfare of the population at large till responsible government comes in the land *(hear, hear)*. Unless you establish a government of the people, by the people and for the people, these problems can never be tackled properly. I would at once take the very pertinent example of the leper asylum handled by our irresponsible Government. It has been said, Sir, in the course of this discussion this afternoon that we have about 3,000 lepers and the cost is Rs. 10 per head per month in the case of infectious lepers and Rs. 6 for a burnt-out leper. Putting it on the average of Rs. 8 per head it would come to about Rs. 25,000 a month. For twelve months it would come to Rs. 3 lakhs. I refuse to believe that he Cochin Government with all its surplus funds, which could build a beautiful harbour costing crores of rupees and more and which could lavishly spend to have some other things, could not find this Rs. 3 lakhs for redeeming the public health of our State from the leper menace. We always have had more than Rs. 5 lakhs as surplus every year for some time.

Dr. T. Verghese *(Chief Medical Officer):* This is a recurring expenditure every year. Then what about the capital expenditure involved in the scheme?

Mr. A. B. Salem *(Mattancheri):* What will be the capital expenditure? We have got a lot of *tharisu bhoomis* in Chalakkudi and other places.

Mr. A. V. Moothedan *(Chalakkudi):* Why Chalakkudi?

Mr. A. B. Salem *(Mattancheri):* Chalakkudi is the appropriate place for housing lepers.

Mr. M. K. Devassy *(Adur):* I will give plenty of land in Adur.

Dr. T. Verghese *(Chief Medical Officer):* For about 300 lepers the capital expenditure comes to about Rs. 3 lakhs.

Mr. A. B. Salem *(Mattancheri):* Let the capital expenditure come to Rs. 10 or Rs. 20 lakhs and the recurring expenditure to Rs. 3 lakhs. What does it matter? It is not for ever. Only for some time. The expenditure is bound to reduce after some years. I may tell you, Sir, that if I were sitting on the other side in the position of a responsible Minister, I will at once say, "You want the problem to be solved. All right". If I have no money, I will immediately introduce a leper taxation and put the burden on the country. Unless we compel our people to pay money, however great

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and wealthy they are, they will not be in a mood to pay a single pie towards this.

Mr. K. Achyuta Menon *(Secretary to Government):* This Bill does not contain any provision for taxation.

Mr. A. B. Salem *(Mattancheri):* That is why I say that till responsible government comes, nothing can be done. Immediately the problem is to be tackled and the people want it to be tackled, the cost must be put upon the people. Who else is to give the money? Is money to come from heaven? We must levy the necessary taxation from the people. We must put it upon heads that are in a position to bear the burden. We are not all poor people.

Mr. M. K. Devassy *(Adur):* Suppose you are made the Finance Minister?

Mr. A. B. Salem *(Mattancheri):* I have told you before, what I will do then. When the Old Age Orphans and Widows Pensions Act was tabled by me here on a former occasion, the then Finance Minister of the Cochin Government, I mean the Diwan Peishkar Mr. Kasturi Ranga Ayyar, also sympathised with the object of the Bill. But sympathy is not everything. He asked how to find the money. My answer was, you are the Finance Member of the Government and you are paid Rs. 850 to find the necessary funds for all good things and if you cannot find funds, you resign. That he was not prepared to do. Similarly, those who cannot find the money and those who say these are very good things, should resign their places and put us there. We will find the money to redeem our country's public health, to give relief to our poor. I oppose the Bill because it is absolutely futile. I may tell you, the Biblical law which says, "for six days you shall work and on the seventh day you shall rest." Now, Sir, it is only now, that Mr. Puthur Achyuta Menon comes and says that the shop assistants shall work for six days and that on the seventh day, they shall rest. You are behind 3,500 years in these things. Similarly in those days there was a rule that one-tenth of your income must be set apart for the relief of the poor. Bring a law like that. Would you not have sufficient money? Why are you hesitating to do that? It is an old law well known to the Christian community. The Hindus must also know that; the Mohammedans also know it. I have elicited the particulars about the *Wakfs* in Cochin. You can ask them to contribute. You will have plenty of money if you wish to tackle the problem. Therefore, what I am submitting to the House is, till we have the mind to tackle the problem and till we have the duty imposed upon us by the power of the vote of this House, we cannot tackle the problem. In the circumstances, I would ask my hon'ble friend, with whatever good

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intentions he may have brought it, to withdraw the Bill and fight for responsible government tooth and nail. I have learned from experience that that is the only way. Let us have the power of taxing our people. Give the financial portfolio into our hands, put all of us there and see whether we cannot tackle these problems, and if we are not able to do it, you can throw us out. That is the problem of problems. Therefore, I ask this House to be good enough to advise our friend from Adoor to honourably withdraw this measure and wait for a suitable time for the relief of the poor, for getting rid of leprosy, for getting rid of unemployment, for giving pensions to the widows and for providing such other ameliorative measures as we are in need of. And then we will be a happy family praising the Government of our beloved Highness and the Lord that created us and live happily ever after in this land.

Mr. M. Sivarama Menon *(Advocate-General):* On a point of information, Government really wish to know whether it is the opinion of this House that this House is prepared to have a cess imposed for tackling this beggar problem.

Mr. A. Eachara Menon *(Chittur-Rural):* We are not.

Mr. M. K. Devassy *(Adur):* Sir, I regret to inform Mr. Salem that I do not find my way to withdraw the Bill. Although my friend has learned by experience, his experience is of introducing and withdrawing.

Mr. A. B. Salem *(Mattancheri):* No, I did not withdraw. It was thrown out.

Mr. M. K. Devassy *(Adur):* Sir, when this Bill was introduced, I never thought that I had such a strong case. As it proceeded subsequently, I felt I had one of the strongest cases and I found from moment to moment that the case of the Treasury Bench was really weak with the result that it engaged two efficient advocates instead of the usual one. I think I need not answer many of the arguments advanced by the Treasury Bench, because I find that most of those arguments are based upon imaginary clauses which are not in my Bill. The Advocate-General wanted to build a very strong argument on the point of financial commitments to the State. He proceeded under the impression that this Bill goes to the extent of saying that the Government should undertake all the financial burden and should put it into force immediately. But it is not so. No one is more conscious of the financial implications which a solution of this problem involves than I am and no one will move in such a matter with more sense of responsibility than I do. That was why I was very careful to draft this Bill in such a manner as to put the burden on the public more than on the Government.

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But in doing so, I was not prepared to allow the Government to wash its hands clean of the matter.

Mr. M. Sivarama Menon *(Advocate-General):* We never wanted to.

Mr. M. K. Devassy *(Adur):* Then, much of your argument ought not to have found a place. That is why I said the law should come to help the people to anticipate reform and to induce them to organise. I shall read, Sir, a portion of the statement of objects and reasons which will make my position very clear. "The absence of a wholesome piece of legislation comprehensive enough to bring within its fold every conceivable form of vagrancy and capable of successfully tackling the problems of beggary has been keenly felt in our State for a long time. No doubt, legislation can go only half-way in tackling the problem and its fulfilment has to be sought in organising poor-houses either by the Government or local bodies or other agencies. But, a proper legislation will be a guide to such constructive schemes and will go a long way in aiding such local areas where constructive endeavours at organising poor-houses are undertaken, to which alone this legislation is intended to apply. Individual charity should give place to institutional charity and the "would nots" and "could nots" among the indigent classes dealt with in the proper manner". I can think of no better or elaborate argument in support of this Bill than what is contained in the above passage. I do not for a moment go to the extent of saying that the Government should shoulder the entire financial responsibility all on a sudden. I do not agree with the hon'ble member for law when he said that clause 4 of this Bill goes to the extent of saying that Government should find out the initial expenditure for the purpose of starting poor houses and so on. I do not go to that extent. I only want the Government to certify existing institutions if the Government are convinced that in a locality serious attempts have been made to undertake a solution of this problem, and that this law should be made applicable to that locality. I should remember in this connection an offer made by the Diwan of Cochin when presiding over a meeting of the Rotary Club where the subject was under discussion to the effect that he is prepared to incur the initial and capital expenditure, provided there is somebody to look after the recurring expenditure. The purpose of this legislation is only to enable those bodies who are prepared to attempt at solving this problem to complete their work.

Mr. K. Achyuta Menon *(Secretary to Government):* Without interruption, we referred to one other section. That makes it imperative. When this Bill comes into operation the invitation was to

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extend it to a specified area. Suppose it was extended to a specified area. Any police officer may require any person to accompany him or any other police officer and appear before the local Magistrate. The Magistrate shall either set him free or order him to be confined in a receiving centre. And under the next clause such person shall be maintained in such receiving centres.

Mr. M. K. Devassy *(Adur):* It is very clear. You need not declare any local area, you need not take him to the Magistrate and the Magistrate need not send him to the receiving centre.

Mr. K. Achyuta Menon *(Secretary to Government):* When the law is there, you say that is how the law is to be administered. And this from a lawyer!

Mr. M. K. Devassy *(Adur):* The emotional interruption of the Hon'ble Secretary to Government.....

Mr. K. Achyuta Menon *(Secretary to Government):* I am never emotional.

Mr. M. K. Devassy *(Adur):* If the emotional interruption of the Hon'ble Secretary is over, I shall continue. The House will excuse me if I don't answer the argument relating to clause 17 of this Bill, because I think it would be further insulting the Treasury Bench if I answer that. Clause 17 is subject to clauses 1 and 2 of the Bill. According to me, this legislation need be notified to come into force only in such local areas where you find sufficient arrangements for these things. Nothing compels the Government to go beyond that.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Are there any places in Cochin where there is a body of persons to take in these vagrants?

Mr. M. K. Devassy *(Adur):* There are bodies. It is not want of charity in Cochin State. There are any number of people who are charitably inclined, persons who are willing to accommodate beggars. What is required in Cochin State is organised charity. In organising charitable institutions, this law will help to a great extent. I know the hon'ble member for Cheruthuruthi, Mr. Warriar, has been feeling considerable difficulty in finding a person dying by the road-side near his house. And he was hesitating whether he could carry him to another house. There was a case in the Irinjalakkuda Municipality where a person died helpless, suffering from small-pox. He was unattended by anybody. And when he was removed by an officer of the Municipality, criminal proceedings were taken against him. This Bill will enable persons to carry these destitute people to particular places where local area

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are declared. That will help them in the attempt of charitably inclined people and if any provision is required which will complete the purpose of this Bill, it is a matter to be done in the select committee. I, therefore, commend this Bill to the acceptance of the House.

Motion put and lost; 17 voted for and 19 against

The Cochin Tenancy Act (Amendment) Bill No. 1

Mr. V. J. Mathai *(Planters):* Sir, I rise to move to introduce the Cochin Tenancy Act (Amendment) Bill No. 1. The object of my Bill is to lighten the burden of the payments on renewal. The House knows very well that under section 26, every tenant is bound to take a renewal of his document at the end of every twelve years, I will read sections 26 to 28.

Section 26 .—"Subject to the other provisions of this Act, it shall be obligatory on the part of the landlord to give and of the *kanam* tenant to accept a renewal of the tenancy at the expiry of 12 years from the date of the last demise and thereafter at the end of every succeeding period of 12 years".

Section 27 .—"The following amounts shall be payable by the *kanam* tenant at the time of renewal.—

(*a*) all arrears of *michavaram* and *puravaka* dues for a period not exceeding 12 years;

(*b*) all arrears, government or local taxes and other dues which he was bound to pay but which were paid by the landlord irrespective of the time when they were paid".

And section 28 is :

"In addition to the above amounts the *kanam* tenant shall pay a renewal fees of 27½ per cent of the *kanam* amount and 15 per cent of the *puram kadam*, if any".

Now, it is clear to the House that under section 26, a *kanam* tenant is bound to take at the end of every 12 years a renewal. Then he is to pay all the arrears of *michavaram* and *puravaka* dues, etc., besides the cost of document and over and above all that, 27½ per cent of the *kanam* amount and 15 per cent of the *puram kadam*, if any. We find that at the end of every 12 years, a very heavy amount will have to be paid by the *kanam* tenant. It is now widely known that the tenants are groaning under the incidence of renewal. Hundreds of notices have been issued by landlords at least so far as the villages of Amballur, Edakkatuvayal, Mulanthuruthi, etc., are

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